

11/30/09

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper ²³
Filed: 30 November 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Chandler Dawson
Junior Party
(U.S. Patent Application 11/801,345),

v.

Chandler Dawson and Lyle Bowman
Senior Party
(U.S. Patent 6,569,443).

Patent Interference No. 105,729 (MPT)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue application
4 (if any), count(s) and claims designated as corresponding or as not corresponding
5 to the count(s) appear in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Michael P. Tierney has been designated to
8 manage the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **2:00 p.m.**
14 **on January 25, 2010** (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A

1 typical motion period lasts approximately eight (8) months. Counsel should be
2 prepared to justify any request for a shorter or longer period.

3 **Part E. Identification and order of the parties**

4 **Junior Party**

5 Named inventors: CHANDLER R. DAWSON, MILL VALLEY, CA

6 Involved Application: U.S. Application 11/801,345, filed on May 8, 2007

7 Title: Topical Treatment or Prevention of Ocular
8 Infections

9 Assignee: Regents of the University of California

10

11 **Senior Party**

12 Named Inventors: CHANDLER R. DAWSON, MILL VALLEY, CA

13 LYLE M. BOWMAN, PLEASANTON, CA

14 Involved Patent: U.S. Patent 6,569,443, issued on May 27, 2003,
15 based upon U.S. Application 09/767,943, filed on
16 January 24, 2001.

17 Title: Topical Treatment or Prevention of Ocular
18 Infections

19 Assignee: InSite Vision Incorporated

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4 **Part F. Count and claims of the parties**

5 Count 1

6 A process for treating an eye according to claim 11 of U.S.
7 Application 11/801,345 or claim 1 of U.S. Patent 6,569,443.

8
9 The claims of the parties are:

10 Dawson '345: 1 and 4-20
11 Dawson et al. '443: 1-45

12
13
14 The claims of the parties which correspond to Count 1 are:

15 Dawson '345: 11-20
16 Dawson et al. '443: 1-19 and 23-41

17
18 The claims of the parties which do not correspond to Count 1, and therefore
19 are not involved in the interference, are:

20 Dawson '345: 1 and 4-10
21 Dawson et al. '443: 20-22 and 42-45

22
23 The parties are accorded the following benefit for Count 1:

24 None²

² See Paper 3 for further details.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Chandler Dawson
Junior Party
(U.S. Patent Application 11/801,345),

v.

Chandler Dawson and Lyle Bowman
Senior Party
(U.S. Patent 6,569,443).

Patent Interference No. 105,729 (MPT)
(Technology Center 1600)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Michael P. Tierney/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,569,443
Copy of claims of U.S. Application 11/801,345

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Dawson:

Richard Aron Osman
3525 Del Mar Heights Road #915
San Diego, CA 92130

Attorney for Dawson:

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20037